

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

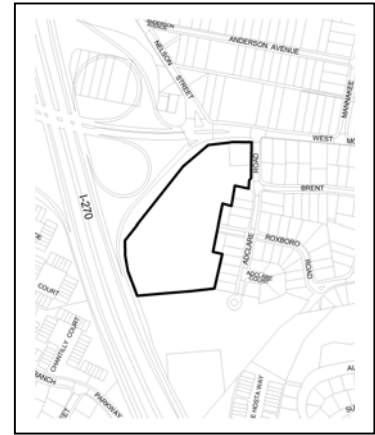
OCTOBER 28, 2004

SUBJECT:

Use Permit Application USE2004-00678

Applicant: First Baptist Church of Rockville,
55 Adclare Road, Rockville, Maryland 20850

Planning Commission Review Date: November 3, 2004



PREVIOUS RELATED ACTIONS:

Use Permit U-487-70, First Baptist Church of Rockville c/o of Billy Strawn - a development proposal to construct a church sanctuary and Sunday school building and associated site surface parking on the subject property in the then R-60 (single family detached, residential) and now R-S (Suburban Residential) Zone. Approved by the Planning Commission on April 29th 1970. (APPLICATION EXPIRED – DUE TO LACK OF IMPLEMENTATION)

Use Permit U-547-71, First Baptist Church of Rockville – a development proposal to construct a new church and associated site parking on the subject property located in the R-S (Suburban Residential) Zone. Approved by the Planning Commission on November 24, 1971.

Use Permit U-449-89, First Baptist Church of Rockville – a development proposal to construct a new story addition on the existing church and associated site parking on the subject property located in the R-S (Suburban Residential) Zone. Approved by the Planning Commission on November 29, 1989. (APPLICATION EXPIRED – DUE TO LACK OF IMPLEMENTATION)

Special Exception SPX2004-00339, First Baptist Church of Rockville c/o Carol Corbett – a request to continue the operation of the church's childcare operation and reestablish its private school-kindergarten program. Approved by the Board of Appeals on May 1st 2004.

REQUEST:

The subject request is submitted in accordance with requirements of Sections 25-193 of the City of Rockville Zoning Ordinance. The request is a development proposal to construct a 13,457 square foot addition on the rear (west) side of the existing church. The new addition will create office and storage space, a new lobby and building entrance, restrooms, shower facilities, a multipurpose room, and a catering & food preparation area. Also, under the subject proposal, the existing site's 135-space site surface parking facilities will be expanded by 81 parking spaces.

RELEVANT ISSUES:

In reviewing the application request, the following issues emerged and are to be addressed as is appropriate:

- The new space being created by the proposed new building addition cannot be used nor incorporated into the operation of the church's childcare and kindergarten operation, approved under Special Exception SPX2004-00339.
- Applicant should work with City of Rockville Police Department to obtain assistance, similar to that provided on Sunday mornings, having an off-duty officer direct traffic at the intersection of W. Montgomery Avenue and Adclare Road, on those occasions when events and/or activities are held which generate substantial amounts of vehicular traffic.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. The applicant must submit to the Chief of Planning eleven (11) copies of the site development plan/s revised to illustrate the following site development issues have been satisfactorily addressed:

- a. The proposed site and building improvements must be constructed in substantial accordance with site development and building plans respectively prepared and submitted by Macris, Hendricks & Glascock, P.A. and Duane, Cahill, Mullineaux & Mullineaux PA.
- b. Amend the rear setback as referenced under the site data on the site plan, reference is incorrect, i.e., 35 feet is the required rear yard setback in the R-S Zone.
- c. Correct the parking tabulation requirements, under the site data, for the church's childcare and kindergarten operation to reflect 23 full and part time staff/employees, and the appropriate number of spaces required, as per Section 25-395(14)&(39) of the Zoning Ordinance.
- d. Add the following note on the site development plan, under site data: "The proposed building addition will comply with all requirements of the fire and building codes and requirements of the Americans with Disabilities Act (ADA)."

2. The Department of Public Works (DPW) requires the following information and/or action be taken:

- a. Appropriate bonds must be posted and applicable permits obtained from DPW.

b. Submit detailed engineering plans and computations for review and approval for sediment and erosion control and stormwater management (SWM).

Note: On-site SWM water quantity control may be required if the City does not construct the bike bridge over Interstate Highway 270, with the SWM retrofit.

c. All easements must be reviewed, approved, and recorded prior to the issuance of permit/s, including SWM easement and maintenance agreement.

d. Construct a sidewalk/pedestrian path on site, which provides a pedestrian connection from the front entrance of the church over to the western terminus of Roxboro Road.

e. A monetary contribution will be required to pay for construction of the water main upgrade and any other work associated with it from Adclare Road to the site. The amount of the contribution will be determined by DPW.

f. Amend the site development plan to show the adjacent bike bridge plan. A copy of the plan can be obtained from the City's Recreation & Parks Department.

g. An easement must be granted from the property owner to the City for the water meter.

h. Applicant must obtain approval from the State Highway Administration for stormwater discharge and related working within the state right-of-way (r/w).

3. The City Forester requires the following information provided and/or action be taken:

a. A Forest Conservation Plan (FCP) must be approved by the City Forester; including submission and approval of bonds, agreements, and provision of applicable forest conservation easements.

Note, the site's proposed landscape plan must be incorporated into the FCP.

b. Applicant must meet forestry requirements on site, with regard to tree preservation and planting.

ANALYSIS:

Property Description

The subject church property is approximately 9.23 acres (402,191 square feet) in size. The property was initially developed in the early 1970s with a two-story church and accompanying site surface parking facilities (ref. U-457-71). Based on available information, the seating capacity of the church sanctuary is listed at 600 seats. As per the Zoning Ordinance, 150 on-site parking spaces are required to accommodate the subject site/church use, i.e., one (1) parking space for each four- (4) seats for whom parking is provided for in the main auditorium.

As shown on the site “plan submitted with the subject proposal, the site has a total 135 surface parking spaces located within paved parking areas and within two gravel parking areas, one abutting the western most paved parking lot, and the other located in the northeastern area of the property. Thus, based on the information provided, the site’s current parking facilities are nonconforming, i.e., a deficit of 15 parking spaces exists. However, under the subject proposal, the site’s surface parking facilities will satisfy the requirements of the Zoning Ordinance with the construction of 81 additional parking spaces.

The existing church building is of masonry construction and located primarily in the center of the site. The site is bound to the south by the Rockville Christian Church and Rockville Nursing Home, west by Interstate Highway-270, north by West Montgomery Avenue (Md. Route 28) and single-family detached dwellings, and northeast and east by the residential subdivision of Roxboro. Vehicular access to the site is provided via a single entrance on Adclare Road. The church’s vehicular entrance is located approximately 225 feet \pm south of the intersection of Adclare Road and West Montgomery Avenue.

The site’s topography ranges from flat to gently sloping, with site surface grades being higher along the site’s Interstate 270 frontage, and surface grades of the overall site area being noticeably lower. The site is substantially landscaped, containing an array of mature shrubs, trees, and other planted material, all ranging in species and size, located primarily in the eastern and southeastern areas of the property. The western side yard area of the site, adjacent to Interstate Highway 270, is improved with site vehicular parking and outdoor play area, containing little or no trees and planted material. However, the large mature trees that are predominate on the church site, are located mostly in the eastern-side and front yard areas of the property.



Aerial overview of 55 Adclare Road

Existing/Proposed Site Use

As noted, the church was built on the subject site in the early 1970s. The existing church is approximately 14,105 square feet in size. The proposed building addition will be approximately 13,457 square feet in size. As shown on the site development plan, the new building addition will be constructed on the rear west side of the existing church. Per the information provided the site has a total of 135 surface parking spaces. Under the subject proposal, 81 additional parking spaces will be constructed, located primarily in the southern and western areas of the site, the area where the existing site parking is currently located.

The new church expansion will create office and storage space, a new lobby and building entrance, restrooms and shower facilities, a multipurpose room, and a catering & food preparation area. The new building addition will be constructed of building materials compatible with that of the existing church. The addition will be two stories in height and as sited, complies with all applicable building setback requirements of the R-S Zone.

The new floor space created by the planned building addition will not impact nor alter the size of the church's existing 600 seat sanctuary, thus, parking requirements for the newly expanded church will be met by the existing and new parking spaces being provided on the subject site. As previously noted, the church has a parking deficit of 15 parking spaces, i.e., one parking space is required for each four (4) seats in the 600 seat church sanctuary. Thus, 150 spaces are required based on the seating capacity of the existing sanctuary. According to the site development plan submitted with the subject request, a total of 135 parking spaces are currently provided. The parking deficit as it now exists, will be fully satisfied by the construction and expansion of the site's surface parking facilities, i.e., the addition of 81 new parking spaces.

The multipurpose facility being created by the new building expansion will be used for a variety of recreational and church related uses. The church plans to introduce an "upward basketball" program for youth ages 9 through 14. It is expected that there will be no more than four (4) teams, each practicing approximately one hour. Practice sessions and competitions with other church-league teams will be scheduled in the evening and on weekends. In addition to the varying activities that will take place in the new multipurpose facility, other existing church related activities will continue much as they now function (See Attachment "B").

The church's childcare and kindergarten operation located on the basement/ground level of the church commenced operations in 1976. The applicant is licensed by the State's Department of Human Resources Child Care Administration, for the operation of its childcare and kindergarten programs, permitting a building capacity for 66 children (ref. SPX2004-00339). The church's childcare and kindergarten operation is known as the Weekday Early Education (WEE) Center, operating between the hours of 7:00 a.m. to 6:00 p.m., Monday thru Friday.

Based on information presented with previously approved Special Exception SPX2004-00339, the WEE Center is closed eleven holidays out of the year, one in-service day, and one week in August to allow staff to prepare for the new school year. The center is staffed by 23 full and part time employees, which includes teachers, administrators, and support personnel. Children being

cared for by the center/school are of pre-school age, ranging from 2 years thru 5 years of age. Children arrive and depart the site via private vehicles.

In accordance with Sections 25-395(14)&(39) of the Ordinance, 12 parking spaces are required for the kindergarten program and 14 are required for the childcare operation, i.e., one (1) parking space for each two (2) employees, including teachers and administrators, plus sufficient off-street space for the safe and convenient loading and unloading of students, and one parking space per every four (4) children.

According to the site plan submitted with the application request, sufficient on-site parking is provided for the church and its child care/kindergarten operation, e.g., 135 parking spaces are shown (as being provided) and 81 new paces will be constructed under the subject request. In review and discussion of the proposal, staff has asked the applicant to remove or pave the existing site graveled parking areas. The applicant has noted that the graveled parking areas serve existing and expected growth in the church's membership.

Applicable Sections of the Zoning Ordinance and Staff Analysis

In accordance with Section 25-193 of the Ordinance, a use permit shall be issued if the Planning Commission finds that the use proposed will not:

1. Adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

While the proposed building addition will create a multipurpose facility where a number of church related recreational, social, and religious activities are planned to take place, formal church services held on Sunday's are traditionally deemed to be the principal use of the property. Although not subject to, but relevant to the use permit proposal as submitted, it is important to note that the church's childcare and kindergarten is operational weekdays between the hours of 7:00 a.m. to 6:00 p.m., year round. However, it is expected that many of the activities which will occur in the new multipurpose facility, created under the planned building expansion, will take place primarily during times when the childcare and kindergarten is not operational. Thus, vehicular traffic being generated by activities taking place in the church's new multipurpose facilities and that being generated by the childcare and kindergarten operation, are not expected to overburden site area roadways and street intersections.

To insure that vehicular traffic generated during Sunday morning worship services is dispersed in a safe and efficient manner, the church has "engaged the services of an off-duty City of Rockville police officer to direct traffic at the intersection of West Montgomery Avenue and Adclare Lane." Staff has raised similar concerns with regard to other activities and events, which may take place at other times during the evenings and weekends, that also may require such added traffic control intervention. Hence, staff suggests that the church work with the City's Police Department (if feasible) to determine whether such additional traffic control efforts may be needed on those occasions, when substantial vehicular traffic might be generated by special events and/or activities that take place in the multipurpose facility.

Included in this report (as an informational item) is a schedule of church related activities, submitted with the church's previously approved Special Exception SPX2004-00339 denoting the day and time of respective activities and church functions (See Attachments "B & C"). This schedule of activities and the prospective use of the multipurpose facilities being created by the new building expansion, provide a greater understanding of the overall activity that will be generated from the subject church site.

As proposed, the new building addition will be constructed on the rear of the church. There are no residential homes located within close proximity of the church expansion and as such, activity generated by use of the new church building facilities will not directly affect the health and safety, peace and tranquility, of persons living or working in the community.

2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

As previously noted, the church has been operational at the subject location for well over 30 years. The church is an established institutional use within the community and the City. The church's childcare and kindergarten operation has been operational for well over 25 years. Coupled with current church activities and those anticipated to be generated from the use of the planned new building facilities, staff has found no evidence the expanded facilities will be detrimental to the neighborhood. While it is expected that vehicular traffic will increase due to the addition of new church sponsored activities, which are expected to be accommodated in the new building facilities, staff has found no evidence that such activity or increase in vehicular traffic pose a threat to the well being of residents living in the community.

A review of available City records indicate there are no violations or complaints filed or pending against the church or its childcare and kindergarten operations. There is no evidence the church or any of its sponsored programs or activities has been a nuisance, or that it has been shown to have adversely impacted the public health, safety, and welfare of persons living and/or working in the site area. The predominately residential and institutional land use patterns that make up the site area are well established and unlikely to change because of the church's planned building expansion. As a condition of the use permit's approval, DPW has requested the applicant make a monetary contribution for the costs of the water main upgrade and any other work associated with it, from Adclare Road to the subject site. The applicant is also working with staff to address SWM requirements as well as forest conservation and planting requirements.

The church property is approximately 9.23 acres in size, heavily wooded, with no immediate residential homes abutting the site, with the exception of those properties located on Adclare Road and Roxboro Road. While the church will continue to operate and function in much the same manner as it has over the past several years, with the advent of the new facilities being created via the new building expansion, it must be noted the additional activities and services it plans to offer church members is expected to grow and become more diverse.

3. The proposed use complies with the requirements of the Zoning Ordinance that are applicable thereto.

The continued and enhanced operation of the church as described in the subject request, will not violate or adversely affect the Plan, the Ordinance, or any known laws of the City. The land use designation of the subject property as assigned by the Plan is for “institutional” land usage. The new expansion complies with all development standards of the Zoning Ordinance, i.e., building setback and height restrictions, lot coverage, vehicular parking standards, etc. Based on the information as provided, staff finds no evidence that the planned building expansion along with church sponsored events that will likely be accommodated therein, would constitute a nuisance because of traffic, noise or type of physical activity.

Based on all of the noted factors, staff finds suitable justification to recommend Use Permit USE2004-00678 be approved, subject to the conditions as referenced on pages two and three of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to surrounding property owners informing them of the application request and upcoming Planning Commission review, where the request will be publicly considered. Notices were sent to 377 addresses located within the subject site area. A list of the addresses to which notices were sent is contained in the project’s application file, available for public review and inspection.

/cdc

List of Attachments

Attachment “A” – Sidewalk Waiver Request
Attachment “B” – Schedule of Church Activities
Attachment “C” – WEE Center Hours of Operation
Attachment “D” – Applicant’s Traffic Analysis
Attachment “E” – SWM Concept Approval
Exhibit “1” – Site Plans
Exhibit “2 & 3” – Landscape & Lighting Plan
Exhibit “4” – Truck Path
Exhibits “5 & 6” - Building Floor Plans
Exhibit “7” – Building Elevations